

¹ The Defendant's motion to dismiss alleges there are certain deficiencies in the Plaintiff's complaint. If the Plaintiff thinks, based on the Defendant's motion to dismiss, that a more carefully drafted complaint or more specific allegations would state a claim, he has 21 days after service of the motion to dismiss to amend his complaint. Plaintiff should be aware that a dismissal may prevent him from re-filing his complaint if any applicable statute of limitations

The Plaintiff is further advised that under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. The Court considers the complaint and briefs filed by the parties in deciding whether dismissal is appropriate. Failure of the Plaintiff to respond to the motion to dismiss may result in the motion being granted. In such case, judgment would be entered for the Defendants, and there would be no trial or any further proceedings.

Accordingly, the Plaintiff is directed to file a response to the Defendant's motion to dismiss and/or amend his complaint no later than January 23, 2020. The Defendant will then have the opportunity to file a reply brief as provided by the Local Rules. Thereafter, the Court will rule on the motion. If no response is submitted by the Plaintiff, the Court will consider the motion to dismiss to be uncontested.

The Clerk is directed to serve the Plaintiff with a copy of this Order at the address listed on the docket.

SO ORDERED, this the 8th day of January, 2020.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

would bar further litigation. The Plaintiff should, therefore, take the opportunity to amend his complaint to cure, if possible, the deficiencies noted in the Defendant's motion to dismiss.